

## **11A.010 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit;
- (2) "Commission" means the Executive Branch Ethics Commission;
- (3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another;
- (4) "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister;
- (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), or door prizes available to the public;
- (6) "Income" means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of compensation or any combination thereof;
- (7) "Officer" means:
  - (a) All major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors;
  - (b) Members and full-time chief administrative officers of:
    1. The Parole Board;
    2. Office of Claims and Appeals;
    3. Board of Tax Appeals;
    4. Board of Claims;
    5. Crime Victims Compensation Board;
    6. Kentucky Retirement Systems board of trustees;
    7. Kentucky Teachers' Retirement System board of trustees;
    8. The Kentucky Public Employees Deferred Compensation Authority

board of trustees;

9. Public Service Commission;
  10. Worker's Compensation Board and its administrative law judges;
  11. The Kentucky Occupational Safety and Health Review Commission;
  12. The Kentucky Board of Education;
  13. The Council on Postsecondary Education;
  14. County Employees Retirement System board of trustees;
  15. Kentucky Public Pensions Authority; and
  16. The Kentucky Horse Racing Commission;
- (c) Salaried members of executive branch boards and commissions; and
- (d) Any person who, through a personal service contract or any other contractual employment arrangement with an agency, performs on a full-time, nonseasonal basis a function of any major management position listed in this subsection;
- (8) "Official duty" means any responsibility imposed on a public servant by virtue of his or her position in the state service;
- (9) "Public servant" means:
- (a) The Governor;
  - (b) The Lieutenant Governor;
  - (c) The Secretary of State;
  - (d) The Attorney General;
  - (e) The Treasurer;
  - (f) The Commissioner of Agriculture;
  - (g) The Auditor of Public Accounts;
  - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees; and
  - (i) Any person who, through any contractual arrangement with an agency, is employed to perform a function of a position within an executive branch agency on a full-time, nonseasonal basis;
- (10) "Agency" means every state office, cabinet, department, board, commission, public corporation, or authority in the executive branch of state government. A public servant is employed by the agency by which his or her appointing authority is employed, unless his or her agency is attached to the appointing authority's agency for administrative purposes only, or unless the agency's characteristics are of a separate independent nature distinct from the appointing authority and it is considered an agency on its own, such as an independent department;
- (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS 6.611(23) or any person employed as an executive agency lobbyist as defined in KRS 11A.201(9);
- (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes,

- opposes, or acts;
- (13) "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of this section;
  - (14) "Does business with" or "doing business with" means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement;
  - (15) "Public agency" means any governmental entity;
  - (16) "Appointing authority" means the agency head or any person whom he or she has authorized by law to act on behalf of the agency with respect to employee appointments;
  - (17) "Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else;
  - (18) "Directly involved" means to work on personally or to supervise someone who works on personally;
  - (19) "Sporting event" means any professional or amateur sport, athletic game, contest, event, or race involving machines, persons, or animals, for which admission tickets are offered for sale and that is viewed by the public;
  - (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert; and
  - (21) "Salaried" means receiving a fixed compensation or benefit reserved for full-time employees, which is paid on a regular basis without regard to the actual number of hours worked.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 185, sec. 4, effective June 29, 2021; and ch. 200 sec. 5, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 79, sec. 11, effective April 1, 2021; and ch. 127, sec. 7, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 195, sec. 1, effective June 27, 2019. -- Amended 2018 Ky. Acts ch. 107, sec. 83, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 74, sec. 51, effective June 29, 2017; and ch. 175, sec. 3, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 75, sec. 11, effective July 15, 2014. -- Amended 2013 Ky. Acts ch. 106, sec. 1, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 75, sec. 1, effective April 11, 2012; and ch. 81, sec. 77, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 123, sec. 7, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 29, sec. 3, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 417, sec. 3, effective December 1, 2000; ch. 475, sec. 1, effective July 14, 2000; and ch. 542, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 429, sec. 1, effective July 15, 1998; ch. 431, sec. 2, effective July 15, 1998; and ch. 602, sec. 1, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 149, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 406, sec. 7, effective July 15, 1994. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 71, effective September 16, 1993. -- Created 1992 Ky.

Acts ch. 287, sec. 3, effective July 14, 1992.

**Legislative Research Commission Note** (6/29/2021). This statute was amended by 2021 Ky. Acts chs. 185 and 200, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

**Legislative Research Commission Note** (12/1/2000). The contingency on the effectiveness of this statute set by 2000 Ky. Acts ch. 417, sec. 18, was met, the voters of the Commonwealth having ratified at the general election on November 7, 2000, a constitutional amendment (see 2000 Ky. Acts ch. 399) abolishing the Railroad Commission.

**Legislative Research Commission Note** (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.